IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 4501 of 2007(J)

PETITIONER:

K. RADHAKRISHNAN,
PLAKKOOTATHI VEEDU,
KANNIYAMPURAM POST,
OTTAPALAM.

BY ADV. SRI.K.ANAND

RESPONDENTS:

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1. THE OTTAPALAM MUNICIPALITY,
   OTTAPALAM, PALAKKAD DISTRICT,
   REPRESENTED BY ITS SECRETARY.

2. THE MUNICIPAL COUNCIL,
   OTTAPALAM MUNICIPALITY,
   REPRESENTED BY ITS CHAIRMAN.

BY ADV. SRI. K.K. CHANDRAN PILLAI, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4501 OF 2007

Dated this the 9th day of February, 2007

JUDGMENT

I do not propose to examine the merits of the grounds raised. Ext.P3 appeal has been preferred by the petitioner to the council of the Municipality against Ext.P2 order for demolition. The grievance of the petitioner is that even though along with Ext.P3, a stay petition-Ext.P4 was also filed, the Council has not so far taken any decision.

2. Having regard to the grounds raised and the submissions of Sri. K.Anand, counsel for the petitioner and Sri.K.K. Chandran Pillai who has taken notice on behalf of respondents, this Writ Petition will stand disposed of at this stage itself with the following directions:

The 1st respondent Municipality will consider and dispose of Ext.P3 in accordance with law within two months of receiving copy of this judgment. Municipality will also pass orders on Ext.P4-stay petition within one month of receiving copy of this judgment. In view of the above directions, demolition of the petitioner's building on the basis of Ext.P2 will be kept in abeyance for a period of one month.

PIUS C. KURIAKOSE, JUDGE

btt